

**PUBLIC NOTICE AND NOTICE OF PUBLIC COMMENT AND PUBLIC HEARINGS
GENERAL PERMIT REGULATION FOR DISCHARGES OF STORMWATER FROM SMALL
MUNICIPAL SEPARATE STORM SEWER SYSTEMS, (4 VAC 50-60-10, 4 VAC 50-60-1200 et seq.)
(PART XV)**

ISSUED BY: VIRGINIA SOIL AND WATER CONSERVATION BOARD

Permit Number: VAR04 **Name of Permittee:** Any operator of a small municipal separate storm sewer system registering for coverage under the general permit. **Facility Location:** Facilities are located throughout the Commonwealth of Virginia. **Receiving Waters:** Surface waters within the boundaries of the Commonwealth of Virginia, except waters specifically named in Board regulations or policies that prohibit such discharges. **Processing Office:** Virginia Department of Conservation and Recreation, Stormwater Permitting Section, 600 East Main Street, 4th floor, Richmond, Virginia 23219.

SUBJECT: Notice is hereby given that the Virginia Soil and Water Conservation Board (Board) intends to amend a regulation (4 VAC 50-60-10, 4 VAC 50-60-1200 et seq.) entitled, General Permit Regulation For Discharges of Stormwater From Small Municipal Separate Storm Sewer Systems. The existing general permit expires July 9, 2013. Operators of small municipal separate storm sewer systems who wish to discharge under a general permit must register for coverage under this general permit.

SUBSTANCE:

This proposed regulatory action will set forth guidelines for the permitting of discharges of stormwater runoff from small municipal separate storm sewer systems (small MS4's) in urbanized areas. Small MS4's include systems owned or operated by municipalities, federal facilities, state facilities (including VDOT), and universities. The proposed general permit establishes standard language for control of small MS4 stormwater discharges through the development, implementation, and enforcement of an MS4 program to reduce the impacts of the stormwater discharges on the receiving streams to the maximum extent practicable. The MS4 Program will require the operator to identify best management practices (BMP's) to control stormwater discharges, and measurable goals for each identified BMP for each of the following control measures: (1) public education and outreach on stormwater impacts, (2) public involvement/participation, (3) illicit discharge detection and elimination, (4) construction site stormwater runoff control, (5) post-construction stormwater management in new development and development on prior developed lands, and (6) pollution prevention/good housekeeping for municipal operations. The proposed general permit requires the operator to evaluate program compliance, the appropriateness of identified BMP's, progress towards achieving the identified measurable goals, and to submit annual reports. The proposed action also requires that the operator address Total Maximum Daily Load (TMDL) Wasteload Allocations, including those associated with the Chesapeake Bay TMDL, assigned to the operator and contains other conditions governing the development, implementation, and reporting requirements of an MS4 Program.

On the basis of preliminary review and application of lawful standards and regulations, the Board proposes to issue a new general permit that contains certain revised conditions. The proposed regulation sets forth the minimum information requirements for all requests for coverage under the general permit. The final permit will be adopted following a review and consideration of the comments received in response to this notice.

AFFECTED LOCALITY: The regulations will be applicable statewide and will not affect any one locality disproportionately.

PUBLIC HEARING: Public hearings to receive comments on the proposed general permit regulations will be held at 1:30 p.m. on December 3, 2012 at the Virginia Department of Alcoholic Beverage Control Hearing Room, 2901 Hermitage Road, Richmond, Virginia 23320; at 10:00 a.m. on December 5, 2012 at the Roanoke City Council Chambers, Noel C. Taylor Municipal Building, 215 Church Avenue Southwest, Roanoke, Virginia 24011; and at 1:30 p.m. on December 7, 2012 at the Spotsylvania County Public Schools' Administration Board

Room, 8020 River Stone Drive, Fredericksburg, Virginia 22407. Reasonable limits may be set upon the time allowed for oral statements. The submission of statements in writing is encouraged.

ACCESSIBILITY TO PERSONS WITH DISABILITIES: The public hearings will be held at facilities believed to be accessible to persons with disabilities. Any person with questions should contact David Dowling at (804) 786-2291. Persons needing interpreter services for the deaf should notify Mr. Dowling no later than November 16, 2012.

REQUEST FOR COMMENTS: The Board is seeking written comments from interested persons on the proposed regulatory action and draft permit. Written comments on the proposed permit modification and the proposed regulations must be received no later than 5:00 p.m. on January 4, 2013. Comments should include the name and address of the commenter. Only those comments received within this period will be considered by the Board. All comments should be submitted to:

The Regulatory Coordinator
Virginia Department of Conservation and Recreation
203 Governor Street, Suite 302
Richmond, Virginia 23219

Comments may also be faxed to the Regulatory Coordinator at (804) 786-6141 or be e-mailed to regcord@dcr.virginia.gov. Electronic comments may be submitted on the Virginia Regulatory Town Hall by clicking on the “proposed” stage and selecting “comment period” at: <http://www.townhall.virginia.gov/L/viewaction.cfm?actionid=3634>.

CONTACT PERSON: For additional information, including a copy of the proposed regulations/draft permit and permit fact sheet, or to review copies of materials or applicable laws and regulations, contact Mr. David Dowling at (804) 786-2291 or at the address above.